

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, APRIL 26, 2010**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, April 26, 2010, with President Vaughn presiding.

Councillor Brown introduced James Jackson, pastor, Fervent Prayer Outreach Ministries, who led the opening prayer. Councillor Brown then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Cockrum instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Brown recognized members of the Fervent Prayer Church. Councillor Bateman recognized Chaplain Ken Johnson. Councillor Minton-McNeill recognized staff and members of the Hospitality Certification Program. Councillor Speedy recognized Jack Sandler. Councillor Gray recognized Washington Township Trustee Frank Short. Councillor Sanders recognized Mark Fisher and his wife, and their son Patrick. Councillor Cockrum recognized Judge William Young.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 26, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Ryan Vaughn
President, City-County Council

April 12, 2010

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 16, 2010 a copy of a Notice of Public Hearing on Proposal Nos. 117 and 118, 2010, said hearing to be held on Monday, April 26, 2010, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

April 14, 2010

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinances:

FISCAL ORDINANCE NO. 6, 2010 – appropriates \$27,562,000 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Indianapolis Fire Department and Department of Public Works (Capital Asset Development Capital Projects Fund) for long-term vehicle purchases

FISCAL ORDINANCE NO. 7, 2010 – approves an appropriation of \$432,140 in the 2010 Budget of the Marion Superior Court (Federal Stimulus and State Grants Funds) to fund salaries of probation officers and a case manager supervisor as part of the Family and Youth Intervention (FYI) program

FISCAL ORDINANCE NO. 8, 2010 – approves a transfer of \$45,000 in the 2010 Budgets of Marion County Community Corrections and Marion Superior Court (Drug Free Community Fund) to implement substance abuse programs

GENERAL ORDINANCE NO. 14, 2010 – amends Sec. 135-741 of the Code concerning the Capital Asset Development Fund

GENERAL ORDINANCE NO. 15, 2010 – amends the Code to clarify that a solid waste transfer station requires special exception approval in order to be established in the I-4-U and I-4-S districts (2009-AO-04)

GENERAL ORDINANCE NO. 16, 2010 – amends the Code to eliminate the provisions regarding law enforcement consolidation transition entities, and to make corresponding technical corrections

GENERAL ORDINANCE NO. 17, 2010 – amends the Code to add and amend various penalties related to the enforcement of provisions addressing the operation and safety of bicycles and bicycle lanes or path

GENERAL ORDINANCE NO. 18, 2010 – authorizes multi-way stops at intersections in the Timberlakes subdivision (District 25)

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GENERAL RESOLUTION NO. 7, 2010 – authorizes the execution of guaranteed energy savings contracts with three qualified providers for the implementation of recommended conservation measures

GENERAL RESOLUTION NO. 8, 2010 – approves the statement of benefits of Companion Diagnostics, Inc., an applicant for tax abatement for property located in an Economic Revitalization Area

GENERAL RESOLUTION NO. 9, 2010 – approves the issuance of special taxing district bonds of the Redevelopment District, payable from taxes on real property located in the Near Eastside HOTIF Area

SPECIAL RESOLUTION NO. 18, 2010 – supports the Second Amendment to the United States Constitution, Article 1, Section 32 of the Indiana Constitution, and the position of Indiana Attorney General Greg Zoeller, recently argued before the United States Supreme Court, that the Second Amendment applies to states and local units of government

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of April 5, 2010. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 133, 2010. The proposal, sponsored by Councillors Minton-McNeill, Lewis, Brown, Gray, Bateman, Evans, Moriarty Adams and Nytes, recognizes the Hospitality Certification Program. Councillors Minton-McNeill, Bateman, Moriarty Adams, Brown, Nytes, Gray, Lewis and Evans read the proposal and presented representatives with copies of the document and Council pins. Ms. Duncan, Ms. Clifford, Mr. Roberts, Mr. Toliver and Mr. Fishback thanked the Council for the recognition. Councillor Minton-McNeill moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 133, 2010 was adopted by a unanimous voice vote.

Proposal No. 133, 2010 was retitled SPECIAL RESOLUTION NO. 19, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2010

A SPECIAL RESOLUTION recognizing the Hospitality Certification Program.

WHEREAS, the Hospitality Certification Program (HCP) was implemented in 2009 when the Indianapolis Private Industry Council, on behalf of The Employment Network, received a Projects With Industry grant from the U.S. Department of Education; and

WHEREAS, the program is designed to increase employment opportunities and benefit Indianapolis citizens affected by a wide array of disabilities and previous experience of homelessness in their lifetime, as well as provide a wider implication for the local and state economy; and

WHEREAS, HCP qualifications have a diverse definition, which allows more residents to gain knowledge from the program's work experience training. The program partners with local businesses in the hospitality industry to provide tours, job shadowing and potential employment opportunities; and

WHEREAS, HCP benefits from in-kind contributions from a variety of entities, including guest speakers from the hospitality industry, local health centers and financial institutions, and daily meals are donated by Second Helpings and local restaurants interested in participating; and

WHEREAS, the HCP training is an eight-week session and consists of the Skills, Tasks and Results Training (START) curriculum of the American Hotel and Lodging Association. It is a specially designed, hands-on hospitality experience with a variety of resources that create a realistic work place environment; and

WHEREAS, associates that successfully complete the training session and obtain employment for a minimum of 90 days at a hotel or restaurant will be eligible for a Certificate of Completion from the American Hotel and Lodging Association's Educational Institute, as well as qualify for a nationally-recognized professional industry certification for their current position; and

WHEREAS, HCP's goals are to assist local hiring managers with qualified, "right fit" applicants, work with HCP associates to recognize potential job matches and ensure qualifications are met before seeking employment, assist HCP associates in building long-term careers in the hospitality and customer service industries, and strengthen employment skills; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes The Employment Network's Hospitality Certification Program.

SECTION 2. The Council congratulates HCP on effectively assisting its associates with 24 successful 90+ day placements during the first year in operation, and wishes continued success in the future.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 134, 2010. The proposal, sponsored by Councillor Pfisterer, recognizes the Saints Constantine and Elena Romanian Orthodox Church on its 100th year anniversary. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Father Lay thanked the Council for this recognition. Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 134, 2010 was adopted by a unanimous voice vote.

Proposal No. 134, 2010 was retitled SPECIAL RESOLUTION NO. 20, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2010

A SPECIAL RESOLUTION recognizing the Saints Constantine and Elena Romanian Orthodox Church on its 100th Year Anniversary.

WHEREAS, the history of the church begins with an influx of Romanian immigrants to Indianapolis, where in 1908, the Indianapolis News set the Romanian population at 1,000 people; and

WHEREAS, the first Romanians to the City tended to live in two areas: an area between New York Street and Kentucky Avenue and West Street and the White River, and in the Haughville area, bounded by 10th Street, Belmont Avenue, Michigan and Vermont Streets, and Tibbs Avenue; and

WHEREAS, in 1906, Father Moise Balea visited Indianapolis and organized a parish committee and chose the name of Saints Constantine and Elena for the name of a proposed new church. Due to an economic depression and a lack of available priests, the establishment of the new congregation was postponed until 1910; and

WHEREAS, in 1910, a building fund for the new church was started, at which time \$700 in pledges was recorded. The parish council purchased a building on the corner of West Market and Blackford

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Streets on September 12, 2010 for \$5,300, and another \$2,700 was spent to conform the floor plan to that of an Orthodox Church; and

WHEREAS, on October 18, 1910, the parish council petitioned the Holy Consistory of Sibui to send a priest to serve the newly established parish for a salary of \$70 a month, plus \$200 for travel expenses from Romania. The church was dedicated and consecrated on July 2, 1911, and a historical marker of this exists on the Indianapolis canal walk today; and

WHEREAS, the Easy Bake Company expressed interest in the church property in 1935, and on April 27, 1947, agreed to buy the site on Blackford Street in exchange for the deed to five acres on West 16th Street, plus \$22,500 and the cost of dismantling the old church building, so that materials could be reused to build the new church; and

WHEREAS, work on the new church began on March 1, 1948 and was done by the members of the church in order to keep costs down. The work was completed in 1949; and

WHEREAS, at the church's 90th anniversary, one Bishop stated that due to trials and tribulations, the church may have been prepared to close its doors at more than one time, but the parish resisted and is now at a level of balance and stability, because of the dedication and tenacity of some of the faithful, particularly the women who were elected presidents of the Council; and

WHEREAS, Saints Constantine and Elena has continued to be a home for a diverse mix of people: those who have received and kept the heritage of the founders and previous generations as their own and those who recently immigrated to the nation and long for a place to stay connected to the ancient and living spiritual heritage of their homeland; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the Saints Constantine and Elena Romanian Orthodox Church for 100 years of service to its members and its community.

SECTION 2. The Council encourages the members of Saints Constantine and Elena to continue celebrating and recognizing the love and sweat put into founding their parish by faithful immigrants.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Vaughn passed the gavel to Vice President Pfisterer.

PROPOSAL NO. 135, 2010. The proposal, sponsored by Councillor Vaughn, recognizes U.S. Army Captain Andrew D. Fisher. Councillor Vaughn read the proposal and presented Captain Fisher with a copy of the document and a Council pin. Captain Fisher thanked the Council for the recognition. Councillor Vaughn moved, seconded by Councillor Mansfield, for adoption. Proposal No. 135, 2010 was adopted by a unanimous voice vote.

Proposal No. 135, 2010 was retitled SPECIAL RESOLUTION NO. 21, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2010

A SPECIAL RESOLUTION recognizing U.S. Army Captain Andrew D. Fisher.

WHEREAS, Andrew Fisher received his Associates Degree in Paramedic Science from Indiana University at Indianapolis and his Bachelor's Degree in Health Science and Masters of Physician Assistant (PA) Studies from the University of Nebraska; and

WHEREAS, Andrew Fisher is currently a Captain in the U.S. Army Medical Specialist Corps, is a certified Advanced Cardiac Life Support Provider and Instructor and Cardiopulmonary Resuscitation

Provider of the American Heart Association, and has received certification from the National Commission on Certification of Physician Assistants; and

WHEREAS, CPT. Fisher has completed the following educational programs and courses during his time in the military: Airborne School, Ranger School, an Interservice Physician Assistant Program, an Army Medical Department Officer Basic Course, Tactical Combat Medical Care, Combat Trauma Management, and a U.S. Army Flight Surgeon Course. He also holds the following professional society memberships: American Academy of Physician Assistants, 38th Parallel Medical Society, Society of Army Physician Assistants, and Special Operations Medical Association; and

WHEREAS, in addition, CPT. Fisher has received many awards and decorations, including: Ranger Tab, Parachutist Badge, Expert Field Medical Badge, Combat Medical Badge, Bronze Star Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Noncommissioned Officer Professional Development Ribbon, Global War on Terrorism Service Medal, Army Service Ribbon, Korean Defense Service Medal, Aircraft Crew Badge, Afghanistan Campaign Medal with Campaign Star, and Iraq Campaign Medal with Campaign Star; and

WHEREAS, CPT. Fisher has a wide array of experience in and out of the army, such as Ambulance Platoon Sergeant for the Indiana National Guard, Preceptor and Paramedic service for Wishard Health Services and Clarian Health Emergency Medicine and Trauma Center in Indianapolis, Indiana, SWAT Team lead medic for the Marion County Sheriff's Department, and PA for UNCSB-JSA, Republic of Korea and 1st/75th Ranger Regiment; and

WHEREAS, as a Ranger Battalion PA, CPT. Fisher has saved numerous lives on the battlefield in Afghanistan and Iraq. His life-saving medical interventions and leadership provided during multiple intense fire-fights and casualty response events are shining examples of what PAs should and can do when faced with such situations; and

WHEREAS, the combat medics of the 1st Ranger Battalion are among the best in the Army due to the leadership and mentoring by CPT. Fisher, and their success at war and in garrison is due to CPT. Fisher's heroic actions and superb leadership; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Captain Andrew D. Fisher on receiving the Surgeon General's Annual PA Recognition Award.

SECTION 2. The Council appreciates CPT. Fisher for his outstanding performance and the standard of excellence that he displays in leading his team.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Pfisterer returned the gavel to President Vaughn.

PROPOSAL NO. 136, 2010. The proposal, sponsored by Councillors Hunter, B. Mahern and Nytes, establishes the creation of a Task Force to investigate concerns and ensure public education of the process as it relates to the issuance of Certificate of Appropriateness (COA) from the Indianapolis Historic Preservation Commission. Councillor Hunter read the proposal and moved, seconded by Councillors Nytes and B. Mahern, for adoption. Proposal No. 136, 2010 was adopted on the following roll call vote.

Proposal No. 136, 2010 was retitled COUNCIL RESOLUTION NO. 49, 2010, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 49, 2010

PROPOSAL FOR A COUNCIL RESOLUTION establishing the creation of a Task Force to investigate concerns and ensure public education of the process as it relates to the issuance of Certificate of Appropriateness (COA) from the Indianapolis Historic Preservation Commission.

WHEREAS, The Indianapolis Historic Preservation Commission (to wit: IHPC) is created under Indiana Code: 36-7-11.1 and is charged with and empowered to preserve the character and fabric of historically significant areas and structures for all present and future citizens of Marion County, Indiana; and

WHEREAS, historic preservation efforts can play an important role in economic development and neighborhood revitalization;" and

WHEREAS, the Indianapolis City-County Council appropriates the funds for IHPC staff and appoints four of the nine members to the Commission established by Indiana Code; and

WHEREAS, recent questions and concerns have been raised by some Indianapolis residents living within designated IHPC neighborhoods over the process of review and procedures as related to the issuance of Certificates of Appropriateness; and

WHEREAS, it is important to educate and ensure due process for residents within designated IHPC districts; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A special Task Force shall be established under the authority of the Council to hear testimony in regards to the benefits and process of IHPC.

SECTION 2. The Task Force established for this purpose shall have five (5) members appointed by the President of the Council as follows: one member of the council nominated by the majority leader, one member of the council nominated by the minority leader, one member representative of the Metropolitan Indianapolis Board of Realtors (MIBOR), one member representative of Historic Urban Neighborhoods of Indianapolis (HUNI) and one member not a resident of any IHPC district recommended by the Marion County Alliance of Neighborhoods (MCANA).

SECTION 3. The Task Force shall hold no less than four meetings within ninety days of passage to address, but not limited to: (1) Education of IHPC process, (2) economic impact of designated historic preservation sites, (3) residential and neighborhood concerns, and (4) review and recommendations.

SECTION 4. The Task Force shall vote and submit a report of findings and or recommendations to the Council President, the Council Minority Leader, and all Marion County General Assembly members.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Cardwell reported that the Economic Development Committee heard Proposal Nos. 3, 33, and 116, 2010 on April 21, 2010. He asked for consent to vote on Proposal Nos. 3 and 33, 2010 together. Consent was given.

PROPOSAL NO. 3, 2010. The proposal, sponsored by Councillor Cardwell, re-nominates David Oeth to the Speedway Economic Development Commission. PROPOSAL NO. 33, 2010. The proposal, sponsored by Councillor Cardwell, appoints Michael Halstead to the Indianapolis City Market Corporation Board of Directors. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Cardwell moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 3 and 33, 2010 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Gray, Hunter

Proposal No. 3, 2010 was retitled COUNCIL RESOLUTION NO. 50, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 2010

A COUNCIL RESOLUTION re-nominating David Oeth to the Speedway Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Speedway Economic Development Commission, the Council re-nominates:

David Oeth

SECTION 2. The nomination made by this resolution is for a term ending January 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 33, 2010 was retitled COUNCIL RESOLUTION NO. 51, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2010

A COUNCIL RESOLUTION appointing Michael Halstead to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Michael Halstead

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 116, 2010. The proposal, sponsored by Councillor Cardwell, approves the Mayor's appointment of Michael Huber as Deputy Mayor for Economic Development. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 116, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn

1 NAY: Evans

2 NOT VOTING: Gray, Hunter

Proposal No. 116, 2010 was retitled COUNCIL RESOLUTION NO. 52, 2010, and reads as follows:

April 26, 2010

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael Huber as Deputy Mayor for Economic Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael Huber to serve as Deputy Mayor for Economic Development at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Michael Huber is approved and confirmed by the City-County Council to serve as Deputy Mayor for Economic Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Brown asked Mr. Huber to stand so that members could recognize him.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 119, 2010. Introduced by Councillors Pfisterer and D. Mahern. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 7,056 square feet of space at 1349 South Tibbs Avenue for use by the Warrant Section of the Law Enforcement Division of the County Sheriff"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 120, 2010. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a General Resolution which designates all of the City of Indianapolis and Marion County as a recovery zone for purposes of the 2009 Federal Stimulus Act"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 121, 2010. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes procedures for the City of Indianapolis and Marion County to issue Recovery Zone Bonds under the 2009 Federal Stimulus Act"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 122, 2010. Introduced by Councillors Vaughn and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$4,989,922 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants and Consolidated County Funds) to fund various contracts pertaining to long-term transportation planning within Central Indiana"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 123, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 124, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setback requirements and maximum building heights in the D-S and D-1 dwelling districts"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 125, 2010. Introduced by Councillor Malone. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library for 2011-2013"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 126, 2010. Introduced by Councillors Scales and Oliver. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$29,500 in the 2010 Budget of the Marion County Coroner (County General and Federal Grants Funds) to purchase investigation radios and a body rack for storage"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 127, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to rename, as the division of homeland security, the emergency management planning division of the department of public safety, and to make other technical corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 128, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$90,000 in the 2010 Budget of the Department of Public Works (Federal Grants Fund) to fund activities related to the development of rain gardens in the city, a tree planting and maintenance program at the IREF, and an energy-efficiency retrofit program"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 129, 2010. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the north side of Brookside Avenue at Newman Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 130, 2010. Introduced by Councillors Lutz, Rivera, Pfisterer and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "The Excel Center," by issuing a charter to Goodwill Education Initiatives, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 131, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the transfer of the waterworks and the sewage works of the City of Indianapolis to Citizens Energy Group"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 132, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the issuance and sale of revenue bonds to procure funds to be applied to the costs of the construction, renovation, rehabilitation and installation of improvements to the public ways, including roads, streets, alleys, trails, sidewalks and other public facilities, appropriating the proceeds derived from the sale of such

bonds, modifying the amount of payments in lieu of taxes payable by the sanitary district"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 145, 2010. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the \$27,562,000 appropriation to the Capital Asset Development Capital Project Fund by \$3,500,000 and approves an additional appropriation of \$3,500,000 in the 2010 Budget of the Department of Parks and Recreation (Parks General Fund) to fund pool improvements and pool related operating costs at Wes Montgomery Park"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 137, 2010 and PROPOSAL NOS. 138-144, 2010. Introduced by Councillor McHenry. Proposal No. 137, 2010 and Proposal Nos. 138-144, 2010 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 14, 2010. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 27-34, 2010, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 27, 2010.

2009-ZON-084 (Amended)

5701 CRAWFORDSVILLE ROAD (Approximate Address)

TOWN OF SPEEDWAY, WAYNE TOWNSHIP

COUNCIL DISTRICT # 14

KAREN WOOLERY, by David Gilman, requests Rezoning of 0.458 acre, from the D-5 (W-5) and C-3 (W-5) Districts, to the C-3 (W-5) classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 28, 2010.

2009-ZON-089

4326 PATRICIA STREET (Approximate Address)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 7

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of 10.18 acres, from the D-5 (FF)(FW) District, to the SU-2 (FF)(FW) classification to provide for school uses.

REZONING ORDINANCE NO. 29, 2010.

2009-ZON-090

510 EAST 46th STREET (Approximate Address)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 9

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of 2.789 acres, from the D-4 (W-5) District, to the SU-2 (W-5) classification to provide for school uses.

REZONING ORDINANCE NO. 30, 2010.

2009-ZON-093

3920 BAKER DRIVE (Approximate Address)

INDIANAPOLIS, LAWRENCE TOWNSHIP

COUNCIL DISTRICT # 18

INDIANAPOLIS PUBLIC SCHOOLS requests REZONING of 11.24 acres, from the D-5 District, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 31, 2010.

2010-ZON-001

941, 945 AND 949 HARRISON STREET (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 19

JIM AILES by Mark E. Crouch, requests REZONING of 0.31 acre, from the I-4-U District, to the D-8 classification to provide for residential uses.

REZONING ORDINANCE NO. 32, 2010.

2010-ZON-002

2920 NORTH KEYSTONE AVENUE (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 9

ERIC WHITAKER requests Rezoning of 0.62 acre, from the D-5 District, to the C-1 classification to provide for office commercial uses.

REZONING ORDINANCE NO. 33, 2010.

2010-ZON-003

115 NORTH NEW JERSEY STREET (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

BARRY WIDDUCK requests REZONING of 0.09 acre, from the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for a parking lot.

REZONING ORDINANCE NO. 34, 2010.

2010-ZON-005

650 NORTH ALABAMA STREET / 225 EAST NORTH STREET

(Approximate Address) INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

RILEY LAND LLC AND RILEY TOWERS ASSOCIATES L.P., by Michael C. Cook, requests REZONING of 4.6 acres, from the C-S (RC) District, to the CBD-2 (RC) classification to provide for residential, office, restaurant and retail uses, with off-street parking, including parking garages.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 117, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 117, 2010 on April 12, 2010. The proposal, sponsored by Councillors Malone and McHenry, appropriates \$11,036,100 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) to fund costs related to the development of affordable rental housing and the rehabilitation of foreclosed or abandoned homes. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes asked for consent to abstain to avoid the appearance of a conflict of interest. Consent was given.

President Vaughn called for public testimony at 7:53 p.m. There being no one present to testify, Councillor McHenry moved, seconded by Councillor Cardwell, for adoption. Proposal No. 117, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn

1 NAY: Coleman

1 NOT VOTING: Nytes

Proposal No. 117, 2010 was retitled FISCAL ORDINANCE NO. 9, 2010, and reads as follows:

April 26, 2010

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Eleven Million Thirty-Six Thousand One Hundred Dollars (\$11,036,100) in the Federal Grants Fund for purposes of the Department of Metropolitan Development (DMD) and reducing other accounts, where applicable.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(g) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development (DMD) to fund the following activities: (1) the development of affordable rental housing and the provision of homeownership opportunities and the provision of repairs to homes owned and occupied by low/moderate-income persons; (2) the purchase of foreclosed or abandoned homes that will be rehabilitated, resold or redeveloped in order to stabilize neighborhoods and stem the decline of house values; and (3) personnel costs associated with the administration of these programs, financed by grant funding from the Community Development Block Grant program and the Neighborhood Stabilization Program.

SECTION 2. The sum of Eleven Million Thirty-Six Thousand One Hundred Dollars (\$11,036,100) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	76,100
2. Supplies	0
3. Other Services and Charges	10,840,000
4. Capital Outlay	120,000
5. Internal Chargebacks	0
TOTAL INCREASE	11,036,100

SECTION 4.. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>11,036,100</u>
	11,036,100

SECTION 5. No local match is required for either grant. The salaries and fringes of two FTE's that were already accounted for in F.O. No. 35, 2009 will be supported by these grants. No new FTE's are being created as a result of either of these grants.

SECTION 6. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 118, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 118, 2010 on April 22, 2010. The proposal, sponsored by Councillors Malone and Rivera, appropriates \$37,500 in the 2010 Budget of the Department of Public Works (State Grants Fund) to fund educational outreach and increased awareness regarding the proper disposal of compact fluorescent light bulbs. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lutz said that this seems a tremendous waste of money and people should already know how to dispose of lightbulbs. Councillor Coleman agreed and said that the money would be better spent employing residents of Wheeler Mission.

Councillor Rivera stated that this is grant money tied to a particular initiative, and there are people employed specifically for disposal purposes. Councillor Mansfield stated that a lot of people do not actually know that the fluorescent bulbs have mercury in them and should not be disposed of as regular waste.

President Vaughn called for public testimony at 7:53 p.m.

Larry Vaughn, Concerned Clergy, stated that this is another foolish grant with strings attached, and grants are contracts and not really free money. He said that in this financial crisis economy, the money should be used for something else.

There being no further testimony, Councillor Speedy moved, seconded by Councillor Rivera, for adoption. Proposal No. 118, 2010 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Cardwell, Cockrum, Day, Evans, Freeman, Hunter, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
7 NAYS: Brown, Cain, Coleman, Gray, Lewis, Lutz, Minton McNeill

Proposal No. 118, 2010 was retitled FISCAL ORDINANCE NO. 10, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Thirty-Seven Thousand Five Hundred Dollars (\$37,500) in the State of Indiana Grants Fund for purposes of the Department of Public Works.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(h) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to fund the following: educational outreach and increased awareness regarding the proper disposal of compact fluorescent light bulbs, financed by a Household Hazardous Waste grant from the Indiana Department of Environmental Management.

SECTION 2. The sum of Thirty-Seven Thousand Five Hundred Dollars (\$37,500) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>STATE OF INDIANA GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	37,500
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	37,500

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SECTION 4. The said increased appropriation is funded by grant revenues, not previously appropriated, that will be deposited into the following fund:

	<u>STATE OF INDIANA GRANTS FUND</u>
Grant revenues supporting the appropriations in Section 3	37,500
	37,500

SECTION 5. A local match of \$50,000 is required for this grant and has already been met through the operations of the City's annual Toxx Drop Program.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 84, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 84, 2010 on March 23 and April 6, 2010. The proposal, sponsored by Councillors Coleman and Hunter, determines the need to lease approximately 15,000 square feet of office space at 8115 E. Washington Street for use as a Marion Superior traffic court and Clerk's office. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Malone said that she has been one of the most adamant and vocal regarding some of the provisions in this proposal, mostly with regard to concerns of a fiscal nature and oversight by a disinterested third party. She said that as a Department of Public Works (DPW) project, the build-out would be subject to minority and women-owned business (WBE/MBE) participation goals of the city and county, but she has been assured that the build-outs will be overseen by Building Authority and will comply with MBE/WBE requirements. She said that she will now support the proposal, as she has been made assurances that the Office of Finance and Management (OFM) will make sure that build-outs for the traffic court and probation will be settled in terms of the total appropriation, with \$900,000 being spent for both.

Councillor Hunter said that this project would be located in his district, and there are great challenges for more development in this corridor, and he hopes this project will spur more. He said that he supports the proposal.

Councillor Pfisterer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 84, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Scales, Speedy, Vaughn
2 NAYS: Rivera, Sanders

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she is still concerned about some of the leases the city and county get themselves into, and she is not sure the best effort was made to keep the two functions in a joint space.

Proposal No. 84, 2010 was retitled SPECIAL RESOLUTION NO. 22, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2010

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 15,000 square feet of office space at 8115 East Washington Street, Indianapolis, Indiana for use as a Marion Superior Court traffic court, and clerk's office.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of approximately 15,000 square feet of office space for the use as a Marion Superior Court traffic court, and clerk's office, is needed.

SECTION 2. The property to be leased is located at 8115 East Washington Street, Indianapolis, Indiana, and is owned by C&J Properties, LLC d/b/a Centre Properties (principals Craig W. Johnson and Singleton Associates, LLC).

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 89, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 89, 2010 on March 29 and April 12, 2010. The proposal, sponsored by Councillors Cain and Nytes, amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05). By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor McHenry stated that the Department of Metropolitan Development (DMD) has requested that the proposal be returned to committee for more review. She moved, seconded by Councillor Cain, to return Proposal No. 89, 2010 to committee.

Councillor Nytes asked if this issue is time sensitive, as the agency these duties previously fell under no longer exists. She asked if this will hold up projects or delay reviews. Dave Herschell, Division of Planning, DMD, said that the current technically qualified person (TCP) is continuing their duties through the Office of Code Enforcement and there is no stoppage of work projects. He said that the agency has been disbanded since January and the procedures have continued to function without interruption and will continue to do so.

Proposal No. 89, 2010 was returned to committee by a unanimous voice vote.

PROPOSAL NO. 115, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 115, 2010 on April 6, 2010. The proposal, sponsored by Councillors Malone, Scales and Nytes, amends the Code to reorganize the city-county internal audit agency as an executive office with expanded powers and duties, and to make corresponding technical changes. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 115, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy
0 NAYS:

Proposal No. 115, 2010 was retitled GENERAL ORDINANCE NO. 19, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to reorganize the city-county internal audit agency as an executive office with expanded powers and duties, and to make corresponding technical changes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 191 of the "Revised Code of the Consolidated City and County," regarding the city-county internal audit agency, the audit committee, and oversight of the 1993-1995 Capital Improvement Program, hereby is REPEALED.

SECTION 2. The title of Article II of Chapter 202 of the "Revised Code of the Consolidated City and County," regarding the office of corporation counsel, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

ARTICLE ~~II~~ I. OFFICE OF CORPORATION COUNSEL

SECTION 3. The title of Article III of Chapter 202 of the "Revised Code of the Consolidated City and County," regarding the office of finance and management, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

ARTICLE ~~III~~ II. OFFICE OF FINANCE AND MANAGEMENT

SECTION 4. Chapter 202 of the "Revised Code of the Consolidated City and County," regarding the Mayor's Office, hereby is amended by the addition of a NEW Article III, to read as follows:

ARTICLE III. OFFICE OF AUDIT AND PERFORMANCE

Sec. 202-301. Established.

The office of audit and performance is hereby established for the purpose of auditing and enhancing the performance of the operations of the city and county. The office shall be responsible directly to the mayor.

Sec. 202-302. Director and employees.

- (a) The administration of the office shall be under the control of the director.
- (b) When the position of director of the office becomes vacant, a new director shall be appointed by the mayor with the approval of the council. All other vacancies in the office shall be filled by the director. The employees of the office shall be selected and qualified on the basis of professional qualifications without regard to political affiliation.

Sec. 202-303. Powers and duties.

- (a) The office shall have full authority to audit any department, office, or agency of the city or county, as deemed necessary by the director.
- (b) The office may review and audit the financial controls and expenditures of:
 - (1) Any department, office, or agency of the city or county;
 - (2) Any municipal corporation, the budget of which is subject to appropriation or review by the council; or
 - (3) The Indianapolis Local Public Improvement Bond Bank.

(c) With respect to the performance of any department, office, or agency of the city or county or a program thereof and the Indianapolis Local Public Improvement bond Bank, the office may:

- (1) Conduct efficiency and effectiveness reviews;
- (2) Establish financial and operational performance metrics for measuring efficiency and effectiveness of a city or county entity or program;
- (3) Recommend to the mayor that a city or county entity be eliminated in whole or in part, or consolidated into another entity, due to ineffectiveness, duplication, or other reason;
- (4) Make recommendations to the mayor to increase the transparency of city or county operations; and
- (5) Make recommendations to the controller that any program of a city or county entity be reduced or increased as a result of the effectiveness or ineffectiveness of the program.

(d) Audits and performance reviews may be conducted either by office personnel or under contract with independent auditors or consultants.

(e) The mayor, upon recommendation of the audit committee, shall select the independent external audit firm to prepare the audited annual financial report of the city and county.

Sec. 202-304. Audit reports and performance reviews.

(a) The audit reports and performance reviews produced by the office shall be public records and shall be disclosed promptly upon request.

(b) The office shall provide an electronic copy of an audit report or performance review to the mayor, the clerk of the council, and the chief administrative officer of the entity that is the subject of the report. Such reports shall be public records and posted on the city and county website within seven (7) days of completion.

(c) The office shall provide its audit reports and performance reviews on the city and county website within ten (10) days of completion for a minimum of four (4) years from the date of completion.

Sec. 202-305. Audit committee.

(a) There is hereby created an audit committee that shall be composed of the following members:

- (1) A representative from the mayor's office appointed by the mayor;
- (2) Two (2) members of the council, one (1) of whom is a member of the political party having the largest representation on the council, and one (1) of whom is a member of the political party having the second-largest representation on the council, appointed by the council;
- (3) One (1) person who is qualified due to an involvement with financial matters and who is not an employee of the city or county shall be appointed by the council; and
- (4) Three (3) persons, one (1) of whom is qualified due to an involvement with financial matters and who is not an employee of the city or county, and one (1) who is either a professional or business person and who is not an employee of the city or county, shall be appointed by the mayor.

In addition, the controller, auditor, director of the office, and the state board of accounts field representative assigned to the city, or the designee of any of them, shall serve as *ex officio*, non-voting members of the committee.

(b) The members appointed under subsections (a)(3) and (a)(4) shall be appointed for terms of three (3) years ending December thirty-first of the third year following appointment.

(c) Each appointee may be removed only for cause by the respective appointing authorities.

(d) Vacancies shall be filled for the duration of the unexpired term by the appointing authority of the position vacated.

(e) The staff functions for the committee shall be provided by the office.

(f) The officers of the committee shall be a chairperson and a secretary. The chairperson shall be named by the mayor and the secretary by the committee.

Sec. 202-306. Same—meetings and quorum.

(a) The chairperson shall call meetings of the committee at such times and places as may be needed; however, the committee shall not meet fewer than three (3) times per calendar year.

(b) Three (3) voting members shall constitute a quorum. To pass a motion or determination, a quorum of the committee must vote in favor thereof.

Sec. 202-307. Same—powers and duties.

The committee shall:

- (1) Be responsible for meeting with independent external auditors to discuss the scope of the annual audits of the city and the county, and anything related to such audits;
- (2) Oversee the affairs of the office to ensure adequate internal controls and procedures; and
- (3) Serve as the informed resource regarding the auditing and accounting practices of the city and the county, and thereby submit a report annually to the mayor and council on its activities.

SECTION 5. Section 202-201 of the "Revised Code of the Consolidated City and County," regarding the office of finance and management and controller, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 202-201. Office of finance and management; ~~city~~ controller.

(a) There is hereby established an office of finance and management. The office of finance and management shall be responsible for:

- (1) Budgeting;
- (2) Financial reporting ~~and audits~~;
- (3) Purchasing; and
- (4) Fixed assets;

for all city and county departments, offices, and agencies.

(b) The controller is the fiscal officer for the city and county. The controller serves as the director of, and may organize into divisions, the office of finance and management.

(c) The ~~city~~ controller shall be appointed by and serve at the pleasure of the mayor as required by IC 36-3-5-2(d). The mayor shall appoint two (2) deputy controllers, only one (1) of whom may be from the same political party as the mayor. The ~~city~~ controller shall have an appropriate seal. The ~~city~~ controller may appoint additional deputies for whose acts the ~~city~~ controller shall be responsible.

SECTION 6. Section 202-203 of the "Revised Code of the Consolidated City and County," regarding the powers of the office of finance and management, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 202-203. Powers of the office of finance and management.

(a) The office of finance and management shall:

- (1) Administer and be responsible for:
 - a. ~~Financial reporting and audits, including the establishment of accounting policies and procedures,~~ fixed assets, budgets, and purchasing, collections, and human resources for all of the city and county departments, offices and agencies;

- b. The ordinance violations bureau;
 - c. The establishment of accounting policies and procedures for all city and county departments, offices and agencies; and
 - d. ~~Investment of cash balances for the city, and Barrett law assessment and collection functions of the city;~~
- (2) Prepare estimates of city and county expenditures pursuant to IC 36-3-6-4(g) and IC 36-3-6-5;
 - (3) Prepare, with the assistance of the corporation counsel, proposed appropriations ordinances for the city and county and special service districts and proposed ordinances fixing the rate of taxation for the taxes to be levied for city and county departments, offices and agencies;
 - (4) Examine, from time to time, the ~~officers, departments and division~~ department, office and agency heads and members of the boards of the city and county as to their organization, accounting records, personnel and other requirements, to ascertain that their respective budgets are being followed and their functions performed and recommend any improvements or economies that might be made in the administrative practices of all the departments, offices and ~~divisions~~ agencies of the city and county;
 - (5) Ensure that accounting systems for all of the departments, offices and agencies of the city and county are kept in accordance with generally accepted accounting principles for governments;
 - (6) Provide suitable instruction for the use of forms and the methods of keeping all accounting records and preparation of all financial reports of the city and county;
 - (7) Examine all contracts, purchase orders and other documents that would result in or involve financial obligations of the city or county and approve the same only upon ascertaining that there is an unexpended and unencumbered balance in the account or fund from which money may be drawn for payment;
 - (8) Submit a monthly financial report to the mayor, for his or her presentation to the ~~city-county~~ council, showing the financial condition of the various accounts and funds of the city and county, including estimated revenues, revenues received, appropriations and allotments for such appropriations, and to furnish to all of the departments, offices and agencies monthly financial reports of their fiscal conditions;
 - (9) Designate banks and other financial depositories in which the funds of the city shall be deposited in accordance with applicable law and designate the municipal, state and federal securities that shall constitute proper legal investments for the city;
 - (10) Prescribe the time and manner in which moneys received by the city shall be deposited in the designated banks or depositories;
 - (11) Make investments of all city moneys, including pension funds, sinking funds and all other funds of the city except as otherwise provided and subject to the ordinances of the ~~city-county~~ council and be responsible for the preparation and sale of all bonds and securities issued by the city;
 - (12) Direct the administrative procedure for, and the accounting, collection and payment of, all Barrett law assessments within the limits of the city and county, attend to the enforcement of such assessments and provide for the issuance and payment of Barrett law bonds;
 - (13) Sign and issue all orders for money from the various funds established under Articles I through VII, inclusive, of ~~Revised Code~~ Chapter 135 of this Code to the auditor. No warrants shall be made by the auditor, and no money shall be paid out by the treasurer except on such order;
 - (14) Require a claim form or order to be presented to the controller from the director, administrator or officer of a department, ~~division or office,~~ or agency of the city or county as a requisite to issuing any order for the payment of money from funds of the city or county, and incidental thereto, the controller shall have power to require evidence that amounts claimed are justly due;
 - (15) Keep a register of all bonds of the city and county and of the transfers thereof, where so provided in any such bond, and an account of all outstanding securities;

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~~(16) Audit or provide for the audit of the accounts of the departments, divisions and offices of the city and county;~~

(176) Purchase or authorize the purchase of and maintain records of insurance for city and county officers and employees and purchase or authorize the purchase of and maintain records of surety bonds for city officers and for county officers if requested to do so by such officers;

(187) Allocate parking spaces in the city-county building parking garage and other parking facilities owned or leased by the city or county;

(198) Develop and manage an energy efficiency program for the city and county; and

(2019) Exercise any other powers that may be granted by statute or ordinance or delegated by the mayor or allocated pursuant to IC 36-3-5-2.8.

(b) The office of finance and management may contract for assistance in the collection of money owed to the city, its departments, special districts or other agencies and to add the costs of collection, if the amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July 1986, to the amount owed and collected.

(c) The office of finance and management shall, in conjunction with the auditor, establish rules and methods of accounting to ensure timely and accurate transaction of fiscal business matters. The rules and methods shall address such topics as the controller, in conjunction with the auditor, deems necessary, but shall at a minimum include:

- (1) Sufficient detail to allow the exchange of information among city and county offices with the auditor's office and the office of finance and management, and between the auditor's office and the office of finance and management;
- (2) Timeframes for the processing of accounts, payroll, distributions, budgets, financial reports, ~~audits~~, and purchases;
- (3) Procedures for preparing financial reports; and
- (4) Procedures for administering time keeping and payroll functions.

Upon initial establishment and subsequent revisions, these rules and methods of accounting shall be filed with the clerk of the ~~city-county~~ council. The rules and methods of accounting shall be binding upon all offices, agencies, and departments that submit budget estimates to the office of finance and management under IC 36-3-6-4(f).

SECTION 7. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 8. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 9. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Pfisterer stated that she had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Raymond "Ray" Oliver and
- (2) All Councillors in memory of Dorothy Quarles; and
- (3) Councillor Cain in memory of Rita Ann Reynolds West and Patrick A. Trainor and
- (4) Councillor Pfisterer in memory of James E. Eichen and
- (5) Councillors Pfisterer, Gray and Brown in memory of Michael C. Schenk and David L. Winters.

Councillor Pfisterer moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Raymond "Ray" Oliver, Dorothy Quarles, Rita Ann Reynolds West, Patrick A. Trainor, James E. Eichen, Michael C. Schenk and David L. Winters. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:12 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of April, 2010.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)